

## GOVERNMENT OF ANDHRA PRADESH

### ABSTRACT

Public Servants - Irrigation & CAD Department – Allegation of corruption against Sri H.Jaffer Mohiuddin, Sr. Assistant (Retd.), Office of the Superintending Engineer, T.B.P. H.L.C.Circle, Anantapur, Anantapur District – Departmental action initiated – Case entrusted to Tribunal for Disciplinary Proceedings, Hyderabad – T.D.P. report furnished - Show Cause Notice issued – Punishment of withholding of entire pension and pensionary benefits in full permanently against the charged officer Sri H.Jaffer Mohiuddin, Sr. Assistant (Retd.) - - Orders - Issued.

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### **IRRIGATION & C.A.D. (IW:SERVICES-VI(1) DEPARTMENT**

**G.O.Ms.No. 91 .**

**Dated:08-09-2010.**

**Read the following:-**

1. Govt. Memo.No.30756/Ser.VII(1)/1991-1, dated 27-06-1991.
2. G.O.Ms.No.127, Irrigation & CAD (PW) Department, dated 26-05-1993.
3. Govt. Memo.No.30756/Ser.VII(1)/1991-18, dated 08-03-1995.
4. From Sri H.Jaffer Mohiuddin, Sr. Assistant, representation dated 15-06-1995.
5. From the Secretary, A.P.Public Service Commission, Hyderabad, Letter No.3024/RT/1/95, dated 23-08-1996.
6. G.O.Ms.No.141, Irrigation & CAD (PW:Ser.VII(1) Dept., dated 10-10-1996.
7. Interim Orders of Hon'ble A.P.Administrative Tribunal, Hyderabad dated 30-01-1997 in O.A.No.7417/1996.
8. G.O.Ms.No.114, Irrigation & CAD (PW:Ser.VII) Dept., dated 18-06-1997.
9. Govt. Memo.No.5982/Ser.VII(1)/1997-15, dated 21-10-2000.
10. From the Secretary, Tribunal for Disciplinary Proceedings, Hyderabad, Letter D.No.S/37/2003, dated 07-11-2003.
11. Govt. Memo.No.2562/Ser.VI(1)/2001-17, dated 18-03-2004.
12. From Sri H.Jaffer Mohiuddin, Sr. Assistant, Explanation dated 11-06-2004.
13. From the Hon'ble A.P.Administrative Tribunal, Hyderabad, Orders dated 30-04-2010 in O.A.No.4688 of 2004 with VMA No.140/2006.
14. Govt. Memo.No.2562/Ser.VI(1)/2001-51, dated 24-05-2010.
15. Representation from Sri H.Jaffer Mohiuddin, Sr. Assistant (Retd.), dated 12-07-2010.

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### **ORDER:**

On 31-05-1991 Sri H.Jaffer Mohiuddin, Senior Assistant, Office of the Superintending Engineer, T.B.P.H.L.C.Circle, Anantapur, Anantapur District was trapped when he demanded and accepted a bribe amount of Rs.600/- from one Sri Veerabhadra Goud in pursuance of earlier demand made by him in connivance with Sri Mohd.Yousuf, Superintendent for showing official favour in processing the case. Accordingly instructions were issued to place the accused officer Sri H.Jaffer Mohiuddin, Sr. Assistant under suspension vide reference 1<sup>st</sup> read above.

2. In the reference 2<sup>nd</sup> read above, the Superintending Engineer, Irrigation Circle, Chittoor was appointed as an Enquiry Officer to conduct departmental enquiry into the allegations against the two accused officers Sri H.Jaffer Mohiuddin, Sr. Assistant and Sri Mohd.Yousuf, Superintendent, Office of the Superintending Engineer, T.B.P.H.L.C.Circle, Anantapur under Rule 20(2) of A.P.Civil Services (Classification, Control & Appeal) Rules, 1991. In the (P.T.O.)

reference 3<sup>rd</sup> read above, a show cause notice was issued to Sri H.Jaffer Mohiuddin, Sr. Assistant while furnishing a copy of enquiry report, to submit his written statement of defence within one month from the date of receipt of the Govt. Memo. In the reference 4<sup>th</sup> read above, Sri H.Jaffer Mohiuddin, Sr. Assistant has submitted his representation. After examining the written statement of defence of accused officer Sri H.Jaffer Mohiuddin, Sr. Assistant, Government have come to the conclusion that the accused officer was guilty of the offence and it was decided to dismiss him from service. The A.P.Public Service Commission have agreed with the decision of the Government for dismissal of the individual. Accordingly orders were issued to dismiss the accused officer Sri H.Jaffer Mohiuddin, Sr. Assistant from Govt. Service with immediate effect vide reference 6<sup>th</sup> read above.

3. Aggrieved by the orders of Government, Sri H.Jaffer Mohiuddin, Sr. Assistant has filed O.A.No.7417/96 in Hon'ble A.P.Administrative Tribunal, Hyderabad. In the reference 7<sup>th</sup> read above, the Hon'ble A.P.Administrative Tribunal in its Interim Orders dated 30-01-1997 in O.A.No.7417/1996 have passed orders that the provisions of CCA Rules 20(4) and (5) have not been followed in conducting enquiry against the accused officer and the impugned G.O.Ms.No.141, Irrigation & CAD Dept., dated 10-10-1996 is suspended.

4. In the reference 8<sup>th</sup> read above, orders were issued reinstating the accused officer Sri H.Jaffer Mohiuddin, Sr. Assistant into service with immediate effect, pending the regularization of suspension period and also ordered that the technical flaw as pointed out by the Hon'ble A.P.Administrative Tribunal in its Interim Orders dated 30-01-1997 in O.A.No.7417/96 will be rectified by conducting fresh enquiry.

5. In the reference 9<sup>th</sup> read above, orders were issued placing the accused officer Sri H.Jaffer Mohiuddin, Sr. Assistant on his defence before the Tribunal for Disciplinary Proceedings on the allegation that he was trapped by Anti-Corruption Bureau authorities on 31-05-1991 when he demanded and accepted a bribe amount of Rs.600/- from the complainant.

6. In the reference 10<sup>th</sup> read above, the Secretary, Tribunal for Disciplinary Proceedings, Hyderabad has furnished the report in T.E.C.No.43/2001 on the file of the II Member, Tribunal for Disciplinary Proceedings, Hyderabad. The II Member, Tribunal for Disciplinary Proceedings, Hyderabad, after conducting detailed enquiry and concluded that Six hundred rupee denomination notes tainted with phenolphthalein power were seized from the C.O. There is no denial of it. The defence that the C.O., exchanged twenty rupee denomination notes for the six hundred denomination notes cannot be believed. P.W.-1 was going round the officers for his appointment on compassionate grounds. Taking advantage of his position, the C.O., demanded bribe of Rs.600/- for processing his file. P.W.-1 did not like to give bribe to the C.O. He made a complaint to the A.C.B. officials and got him trapped with the tainted bribe amount. The evidence of record clearly show that the C.O., demanded bribe of Rs.600/- from P.W.-1 and accepted the same on 31-05-1991. He was trapped successfully by the A.C.B. officials. Therefore, the charge against the C.O., held proved.

7. In the reference 11<sup>th</sup> read above, while enclosing a copy of the Tribunal for Disciplinary Proceedings report, the charged officer Sri H.Jaffer Mohiuddin, Sr. Assistant was directed to submit his explanation within 30 days from the date of receipt of the Memo.

Contnd...3.

8. In the reference 12<sup>th</sup> read above, the charged officer Sri H.Jaffer Mohiuddin, Sr. Assistant in his explanation has stated among other things and requested that the report has to be rejected and to drop further action if any proposed in the interest of Justice.

9. Sri H.Jaffer Mohiuddin, Sr. Assistant has filed O.A.No.4688/2004 before the Hon'ble A.P.Administrative Tribunal, Hyderabad against the Govt. Memo. dated 18-03-2004 in which show cause notice was issued for calling his explanation. In the reference 13<sup>th</sup> read above, the Hon'ble A.P.Administrative Tribunal, Hyderabad in its Orders dated 13-04-2010 in O.A.No.4688/2004 with VMA No.140/2006 has passed orders that keeping all the facts and circumstances of the case in mind and particularly, the judgement reported in 2007(1) ASCJ 102 cited at para above, there is no doubt that the respondents have proceeded, as per the law and rules/regulations governing government employees. Therefore, the case of the applicant merits no consideration and there is no scope to give the relief sought for by the applicant. The O.A., is accordingly dismissed. V.M.A., is allowed by vacating the interim orders.

10. In the reference 14<sup>th</sup> read above, the charged officer Sri H.Jaffer Mohiuddin, Sr. Assistant (Retd.) was informed that Government have decided to impose a major penalty i.e., withholding of entire pension and pensionery benefits permanently against him and he was directed to submit his representation if any, on the proposed punishment within a period of 15 days for taking necessary further action.

11. In the reference 15<sup>th</sup> read above, the charged officer Sri H.Jaffer Mohiuddin, Sr. Assistant (Retd.) in his representation has stated among other things and requested to drop all further proceedings in pursuance of the Govt. Memo.No.2562/Ser.VI(1)/2001-51, dated 24-05-2010 and to pay the full pension and other pensionery benefits.

12. After careful examination of the matter, Government have observed that as per Commission's Regulations 17(2)(h), it is not necessary to send the proposal for Commission's concurrence, in which an enquiry has been held by the Tribunal for Disciplinary Proceedings.

13. Government have examined the entire matter carefully and decided to withhold the pension and pensionery benefits in full permanently against the charged officer Sri H.Jaffer Mohiuddin, Sr. Assistant (Retd.), Office of the Superintending Engineer, T.B.P.H.L.C.Circle, Anantapur, Anantapur District, as the charge of demand and acceptance of bribe were held proved in the Enquiry Report of Tribunal for Disciplinary Proceedings under Rule 9 of A.P.Revised Pension Rules, 1980.

14. Accordingly, it is hereby ordered to withhold the pension and pensionery benefits in full permanently against the charged officer Sri H.Jaffer Mohiuddin, Sr. Assistant (Retd.), Office of the Superintending Engineer, T.B.P.H.L.C.Circle, Anantapur, Anantapur District.

(P.T.O.)

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15. The Engineer-in-Chief (AW), Hyderabad shall take necessary further action in the matter and acknowledge the receipt of the order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.P.TUCKER**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri H.Jaffer Mohiuddin, Sr. Assistant (Retd.), Office of the Superintending Engineer, T.B.P. H.L.C.Circle, Anantapur, Anantapur District thro'

Engineer-in –Chief (AW), I & CAD Dept., Hyderabad

The Engineer-in-Chief (AW), I & CAD Dept., Hyderabad.

The Accountant General (A&E), A.P.,Hyderabad.

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary to Vigilance Commissioner,

A.P.Vigilnace Commission, Hyderabad.

SF/SCs

//FORWARDED::BY ORDER//

**SECTION OFFICER**